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09/599,968	06/21/2000	Roberto Aiello	FANT-00-013	7156

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EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 12/24/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,968

Applicant(s)

AIELLO ET AL.

Examiner

Phuong Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed on 10/23/03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen et al (5,715,236), prior art of record.

As per claims 1, 5, 6, 14, 15, 17 and 18, see figures 1, 2, 3, 9 and 11, and col. 5, line 48 to col. 16, line 26 and col. 28, line 1 to col. 29, line 52 and col. 32, line 16 to col. 33, line 52.

Regarding to claim 14, Gilhousen et al discloses a spread-spectrum system (figure 1) comprising a first slave transceiver (16); a second slave transceiver (18) and a master transceiver (12) wherein said maser transceiver to manage data transmission and synchronization between said first transceiver and said second transceiver (see col. 5, line 48-57).

Regarding to claims 1, 5, 6, 15, 17 and 18, the system includes a receiver (figure 2) wherein the receiver comprises:

rf front end means (30);

detector means (32, 34) for detecting a received signal by scanning in time domain (see col. 14, lines 30-37); and

data recovery means (32, 36, 50) for receiving spread spectrum rf signals having different modulation methods, which are performed at a slave transceiver by means (606), means (610)

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and means (612) (see figure 11), and means (436) (see figure 9), and having different data rates, i.e., having different pulse repetition frequencies (see col. 33, lines 42-44).

As per claims 2, 7, 16 and 19, Gilhousen et al discloses that said data recovery means can receive signals modulated by two-phase keying (see col. 34, lines 49-65).

As per claims 3, 4, 8 and 9, Gilhousen et al discloses that said data recovery means receive signal modulated with amplitude modulations performed by means (606), means (610) and means (612) (see figure 11).

As per claim 10, Gilhousen et al discloses a device "receiving decoder" for detect changes in data rate (see col. 11, lines 17-26).

As per claims 11 and 12, Gilhousen et al discloses a A/D module (112) (see figure 3) for determining when to sample an incoming signal to generate digital output signals.

As per claim 13, Gilhousen et al discloses a decoder (36, 50) as claimed.

As per claim 20, Gilhousen et al discloses that said first slave transceiver communicates with said master transceiver (see figure 1).

#### ***Response to Arguments***

4. Applicant's arguments filed on 10/23/03 have been fully considered but they are, in part, not persuasive.

Applicant's arguments with respect to the rejection to claims 10 and 11, under 35 USC 112, is render moot. The rejection is now withdrawn since claim 10 has been amended to overcome the rejection.

Applicant's arguments with respect to the rejection to claims 1-20, under 35 USC 102(b), are not persuasive. The applicant mainly argues that (i) regarding to claims 1 and 5, Gilhousen

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et al does not disclose “an ultra-wideband pulse detector”; and (ii) regarding to claim 14, Gilhousen et al does not discloses “a receiver configured to receive ultra-wideband spread spectrum signals”.

The examiner respectfully disagrees. Regarding to part (i), see figure 2, Gilhousen et al discloses a detector means (32, 34), as claimed, wherein the detector means (32, 34) operates on a bandwidth of 850 MHz and detects a received signal by scanning in time domain (see col. 2, lines 15-16 and col. 14, lines 30-37). Note that “ultra-wideband” in the limitation “an ultra-wideband pulse detector” is not given any inventive weight, and therefore, the “ultra-wideband pulse detector” is considered broadly as “a signal detector”, as disclosed by Gilhousen et al, because the claims do not recites any limitations specifying a definite operating frequency range as “ultra-wideband range” of the “ultra-wideband pulse detector” to make it distinguishable from Gilhousen et al operating bandwidth, and/or describing physical structure/functioning of the “ultra-wideband pulse detector” in order to make the “ultra-wideband pulse detector” distinguishable from Gilhousen et al detector means. Further, even though in REMARKS, the applicant attempts to point out other differences between the claimed ultra-wideband pulse detector and Gilhousen et al detector means, however, these differences are not recited in the claims. The applicant is respectfully reminded that the specification is not a measure of the claimed invention. Therefore, the limitation contained in the specification cannot read into claims for the purpose of avoiding the prior art (In re Sporck, 155 USPQ 687). Regarding to part (ii), Gilhousen et al discloses a first slave transceiver (16) (see figure 1) having a receiver (figure 9), as claimed, for receiving spread spectrum signals in bandwidth of 850 MHz (see col. 28, lines 1-17). Note that with similar reason set forth in part (i), the “ultra-wideband” in the limitation

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“ultra-wideband spread spectrum signals” is not given any inventive weight to make the “ultra-wideband spread spectrum signals” distinguishable from Gilhousen et al spread spectrum signals because the claim does not recite any limitation specifying a definite frequency range of the “ultra-wideband spread spectrum signals” indicating “ultra-wideband” in order to make it distinguishable from Gilhousen et al bandwidth and/or describing the appearance of the “ultra-wideband spread spectrum signals” in order to make the “ultra-wideband spread spectrum signals” distinguishable from Gilhousen et al spread spectrum signals.

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 703-306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Phuong Phu  
Primary Examiner  
Art Unit 2631

*Phuong Phu*  
Phuong Phu  
12/16/03

**PHOUNG PHU  
PRIMARY EXAMINER**